

# How a Proposal Becomes a Rule

The Judicial Council is authorized by the California Constitution to adopt rules for court administration, practice, and procedure that are not inconsistent with statute (Cal. Const., art. VI, § 6). Rules, forms, and standards of judicial administration are circulated for comment twice a year, for adoption effective January 1 and July 1. Generally, the council follows the procedure described below. (Cal. Rules of Court, rule 6.20.)

## SUBMITTING A PROPOSAL

Any person or organization can submit a request for a new or amended Judicial Council rule, form, or standard of judicial administration. It is helpful if the proposal includes:

- Text of the proposed rule, standard, form, or amendment;
- Description of the problem to be addressed;
- Proposed solution and alternative solutions;
- Any likely implementation problems;
- Any need for urgent consideration;
- Known proponents and opponents; and
- Any known fiscal impact.

## WHERE TO SEND

Mail, fax, or e-mail proposals to: Judicial Council of California, Attention: General Counsel (Rule/Form Proposal), 455 Golden Gate Avenue,

San Francisco, CA 94102-3660; fax: 415-865-7664; e-mail: [legal-services@jud.ca.gov](mailto:legal-services@jud.ca.gov).

## ANALYZING THE PROPOSAL

An advisory committee (on, for example, civil, criminal, or family law or court administrators) analyzes the proposal and may take one of the following actions:

- Recommend to the council's Rules and Projects (RUPRO) Committee that the proposal be circulated for public comment, with or without modification, or that it be adopted without being circulated for comment;
- Request further analysis by the proponent; or
- Reject the proposal.

## RUPRO ACTION

RUPRO reviews the advisory committee's request or recommendation and may take one of the following actions:

- Circulate the proposal for public comment with or without modification;
- Recommend that the council adopt it without circulating it for comment if the proposal presents a nonsubstantial, technical, or noncontroversial change or corrections;
- Request further analysis by the advisory committee or the proponent;

- Refer the matter to another council committee, the full council, or the Chief Justice; or
- Reject the proposal if it is contrary to council policy or statute or conflicts with other rules or standards.

## COMMENTS AND CONSIDERATION

After the comment period closes, the advisory committee considers the comments and may:

- Recommend adoption of the original proposal;
- Modify the proposal and recommend adoption as modified;
- Hold the proposal in committee for further study and analysis; or
- Reject the proposal based on the comments received.

## FINAL JUDICIAL COUNCIL ACTION

RUPRO reviews the advisory committee's action or recommendation. If the advisory committee recommends adoption of a new or revised rule, form, or standard of judicial administration, the matter is placed on the council's agenda. The council may adopt, modify, or reject the proposed rule, form, or standard. If adopted, it will usually become effective the following January 1 or July 1.

The 27-member Judicial Council is the policymaking body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council.

### Whom to Contact

To find recent rule changes, see the California Courts Web site, [www.courtinfo.ca.gov/rules](http://www.courtinfo.ca.gov/rules). To comment on proposed changes during a comment period, see [www.courtinfo.ca.gov/invitationstocomment/](http://www.courtinfo.ca.gov/invitationstocomment/) or contact the Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102-3660; fax: 415-865-7664.